



## Law and Justice Interim Committee

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### 65th Montana Legislature

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RACHEL WEISS, Lead Staff  
JULIANNE BURKHARDT, Staff Attorney  
LAURA SHERLEY, Secretary

TO: Committee Members

FROM: Julianne Burkhardt, Staff Attorney

RE: Administrative Rule Activity

DATE: October 31, 2017

### Department of Corrections (DOC)

MAR 2017 Issue No. 20 (October 27, 2017) MAR Notice No. 20-7-65

The DOC issued a NOTICE OF REPEAL regarding ARM 20.7.1201, 20.7.1202, 20.7.1203, and 20.7.1204. The repeal of these rules was discussed in the September Law and Justice Interim Committee meeting. These rules were repealed because House Bill 650 (2017) eliminated the Boot Camp Program by repealing 53-30-401 through 53-30-403, MCA.

### Public Safety Officers Standards and Training (POST) Council

MAR 2017 Issue No. 20 (October 27, 2017) MAR Notice No. 23-13-246

The POST Council issued a NOTICE OF ADOPTION, AMENDMENT, AND REPEAL regarding the adoption of one new rule; the amendment of 23.13.101, 23.13.102, 23.13.201, 23.13.203, 23.13.205, 23.13.206, 23.13.207, 23.13.208, 23.13.209, 23.13.210, 23.13.211, 23.13.212, 23.13.214, 23.13.215, 23.13.301, 23.13.302, 23.13.702, 23.13.703, 23.13.704, 23.13.705, 23.13.713, 23.13.714, 23.13.719, 23.13.720, and 23.13.721; and the repeal of ARM 23.13.213.

MAR Notice No. 23-13-246 was discussed at the September Law and Justice Interim Committee meeting. A public hearing was held on September 5, 2017, in the Karl Ohs Building at the Montana Law Enforcement Academy in Helena, Montana. During the 2017 Legislature, House Bill 94 was introduced by Representative Frank Garner (R-Kalispell). HB 94 was predominantly a clean-up bill requested by the POST Council that dealt with training and certification standards for peace officers and coroners. However, the final version of the bill gave nongovernmental agencies the power to arrest and exempted them from the training requirements for peace officers with arrest authority. For these reasons the bill was vetoed. The rule changes contained in this

NOTICE deal with the training and certification of public safety officers.

Based on public comment, the amendments to ARM 23.13.205(1) were changed to allow a pretrial services officer employed by a nongovernmental agency the ability to become certified.

### **Department of Justice (DOJ)**

MAR 2017 Issue No. 19 (October 13, 2017) MAR Notice No. 23-16-247

The DOJ issued a NOTICE OF AMENDMENT AND REPEAL regarding the amendment of ARM 23.16.101, 23.16.122, 23.16.202, 23.16.1703, 23.16.1705, 23.16.1823, and 23.16.2602 and the repeal of ARM 23.16.1803, 23.16.1805, and 23.16.1807. The rule changes and repealed rules address loans to licensees from institutional and noninstitutional sources, use of checks and debit cards for gambling, prohibition on using credit cards for gambling, sports pool wagers, and video gambling machine permits.

A public hearing was held on September 7, 2017, in the conference room of the Gambling Control Division, 2550 Prospect Ave., Helena, Montana. The DOJ received comments on the proposed rule changes and in several cases modified the amendments based on public comment.

MAR 2017 Issue No. 19 (October 13, 2017) MAR Notice No. 23-2-248

The DOJ issued a NOTICE OF PROPOSED AMENDMENT regarding the amendment of ARM 23.2.301. No public hearing is contemplated with this rule change. The proposed changes to ARM 23.2.301 relate to changes to the Affidavit and Order of Indigence for use in civil matters by litigants who cannot afford to pay court filing fees. The Affidavit and Order of Indigence are used both by self-represented litigants and attorneys who are representing individuals on a pro bono or reduced fee basis to defray costs related to their clients.

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